

MINUTES FOR THE MEETING OF THE BOARD OF RESPIRATORY CARE PRACTICE

December 18, 2009

Call to Order

Frank Freihaut, Chair, called the meeting of the Board of Respiratory Care Practice to order at 10:03 am (CST), Friday, December 18, 2009 in the State Office Building Conference Room 1Y. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda at least ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Division of Public Health at least twenty-four (24) hours prior to the meeting.

Roll Call

The following Board members and Staff participated in the meeting:

Frank Freihaut, Chairperson
Kay Lavene, Secretary
John Jarosz, Vice Chair
Dr. William Johnson, Physician Member
Diane Hansmeyer, DHHS Office Administrator
Irene Eckman, Health Licensing Specialist
Julie Agena, Assistant Attorney General
Duane Newland, Investigations
Larry Wiehn, Investigations
Ruth Schuldt, Compliance Monitor, DHHS (Arrived at 11:03 am)
Suzanna Glover-Ettrich, Department Legal Advisor (Arrived at 12:16 pm)

Call to Order

Mr. Freihaut announced that this is a public meeting and the Open Meetings Law is posted.

Introduction of New Member

Dr. William Johnson was introduced as the new Physician Member of the Board of Respiratory Care.

Adoption of Revised Agenda

Mr. Jarosz moved, seconded by Ms. Lavene, to adopt the revised agenda. Voting Aye: Freihaut, Jarosz, Lavene, and Johnson. Voting Nay: None. Motion carried.

Approval of Minutes

Mr. Jarosz moved, seconded by Ms. Lavene, to approve the minutes from the March 13, 2009 and July 24, 2009 meetings. Voting Aye: Freihaut, Lavene and Jarosz. Voting Nay: None. Abstain: Johnson. Motion carried.

Closed Session

Mr. Jarosz moved, seconded by Ms. Lavene, to go into closed session at 10:10 am for the purpose of hearing discussions regarding investigations and to protect the reputation of individuals. Voting Aye: Freihaut, Lavene, Johnson and Jarosz. Voting Nay: None. Motion carried.

Mr. Jarosz left the meeting at 10:47 am

Mr. Jarosz entered the meeting at 11:05 am

Mr. Newland and Mr. Wiehn left the meeting at 11:06 am

Ms. Schuldt left the meeting at 11:08 am

Open Session

Mr. Jarosz moved, seconded by Dr. Johnson, to come out of closed session at 11:39 pm. Voting Aye: Freihaut, Lavene, Jarosz and Johnson. Voting Nay: None. Motion carried.

Ms. Agena left the meeting at 11:39 am

Licensure Motions

Mr. Freihaut moved, seconded by Mr. Jarosz, to offer **Etienne Klinzman** and **Joshua Scheele** a license to practice respiratory care. Voting Aye: Freihaut, Lavene, Jarosz, and Johnson. Voting Nay: None. Motion carried.

Board took a break at 11:40 am

Board resumed the meeting at 11:50 am

Reaffirmation of Mail Ballots

Mr. Jarosz moved, seconded by Ms. Lavene, to reaffirm the mail ballots for licensure of: Katheryn Perry, Kilie Dugdale and Neil Schmedding as Respiratory Care Practitioners. Voting Aye: Freihaut, Jarosz, and Lavene. Voting Nay: None. Abstain: Johnson. Motion carried.

Scope of Practice

Ms. Candice Vaughn requested the opinion of the Board on whether sheath removal is covered under the scope of practice for Respiratory Care Practitioners. Dr. Johnson moved, seconded by Mr. Jarosz that in the Board's opinion sheath removal, manual compression and the use of mechanical compression devices can be safely performed by Respiratory Care Practitioner's with specialized training skills and knowledge as documented by the institution. Voting Aye: Freihaut, Jarosz, Lavene and Johnson. Voting Nay: None. Motion carried.

License Assistance Program

Ms. Hansmeyer presented the first quarter report for the License Assistance Program as information only.

Respiratory Care Regulations

Ms. Glover-Ettrich indicated that a change needed to be made to Unprofessional Conduct Regulations due to a recent court ruling. Dr. Johnson moved, seconded by Mr. Jarosz that under 162-010.03 Unprofessional Conduct, #15 letter (a) which states "committing any act which endangers patient safety or welfare" be removed to comply with the courts ruling. Voting Aye: Freihaut, Jarosz, Lavene and Johnson. Voting Nay: None. Motion carried.

2009 NBRC/AARC State Licensure Group Meeting

Mr. Freihaut gave an update on the discussions held during the meeting in Kansas City, Mo. The main topic that was discussed dealt with sleep study, testing and licensure by the State. Mr. Jarosz provided information dealing with how other states are allowing the licensure of these professionals.

CoARC

Mr. Freihaut provided the information that CoARC has become an independent accrediting agency for respiratory care education programs. Ms. Hansmeyer was concerned how this would effect current regulations already written for Respiratory Care. Ms. Glover-Ettrich confirmed that the board could recognize CoARC as an approved accrediting agency due to the current statutes. Mr. Jarosz moved, seconded by Dr. Johnson that the Board would recognize the Commission on Accreditation for Respiratory Care (CoARC) as the accrediting body for Respiratory Care. Voting Aye: Freihaut, Jarosz, Johnson and Lavene. Voting Nay: None. Motion carried.

Respiratory Care Practitioners

Mr. Freihaut brought a question concerning whether a Respiratory Care practitioner could work under a medical director and upon physician orders when the patient is a family member. After discussion the board determined that there would be no decision on this matter at this time.

Ms. Glover-Ettrich left the meeting at 1:08 pm

Board and Staff Duties

Ms. Hansmeyer introduced to the Board the current list of duties that the Board and Staff are performing. Mr. Jarosz moved, seconded by Ms. Lavene to approve the list of Board and Staff duties. Voting Aye: Freihaut, Jarosz, Johnson and Lavene. Voting Nay: None. Motion carried.

Election of Officers

Ms. Hansmeyer informed the Board that it was time for the election of new officers. Ms. Lavene moved, seconded by Mr. Jarosz, to keep the current officers as they are. Voting Aye: Freihaut, Jarosz, Lavene and Johnson. Voting Nay: None. Motion carried.

Schedule of 2010 Meetings

The Board set the following schedule for meetings in 2010:

May 7, 2010 at 10 am.

August 27, 2010 at 10 am.

December 17, 2010 at 10 am.

Recognition of Outgoing Board Member

Ms. Hansmeyer read the information on the plaque given to Dr. Lon Keim after 10 years of service to the Board of Respiratory Care. The Board expressed great appreciation for Dr. Keim and his service to the Board and the citizens of the State of Nebraska.

Adjournment

The meeting was adjourned at 1:32 p.m.

Respectfully submitted by:

Kay Lavene, Secretary

Prepared by: Bill Wisell, Health Licensing Coordinator